

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DERRALD HANDY,

Petitioner,

v.

**PA. BOARD OF PROBATION AND
PAROLE; THE DISTRICT ATTORNEY
OF THE COUNTY OF HARRISBURG;
and, THE ATTORNEY GENERAL OF
THE STATE OF PENNSYLVANIA,**

Respondents.

CIVIL ACTION

NO. 13-1741

ORDER

AND NOW, this 13th day of December, 2013, upon consideration of Derrald Handy's Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody (Document 1, filed April 3, 2013), Amendment to Original Complaint of Document No. 1 (Document 8, filed June 11, 2013), Answer to Petition for Writ of Habeas Corpus (Document 11, filed June 28, 2013), Memorandum in Opposition to Petition for Writ of Habeas Corpus (Document 12, filed June 28, 2013), Response and Counter Statement of Facts to "Answer and Memorandum in Opposition to petition for Writ of Habeas Corpus" (Document 14, filed July 24, 2013), Submission to the Court (Document 15, filed August 27, 2013), the exhibits provided by the parties, and available state court records, and after review of the Report and Recommendation of Magistrate Judge David R. Strawbridge dated October 29, 2013, Response and Opposition to Report and Recommendation of Magistrate Judge Strawbridge (Document 17, filed November 12, 2013), for the reasons set forth in the Memorandum dated December 13, 2013, **IT IS ORDERED** as follows:

1. The Report and Recommendation of Magistrate Judge David R. Strawbridge dated

October 29, 2013, is **APPROVED** and **ADOPTED**;

2. Petitioner's Objections to the Report and Recommendation are **OVERRULED**;

3. The Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus filed by *pro se* petitioner, Derrald Handy, is **DENIED**; and,

4. A certificate of appealability shall not issue because reasonable jurists would not debate this Court's procedural rulings and petitioner has not made a substantial showing of a denial of a constitutional right as required under 28 U.S.C. § 2253(c)(2). *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

5. The Clerk of the Court shall mark this case **CLOSED**.

BY THE COURT:

/s/ Hon. Jan E. DuBois
DuBOIS, JAN E., J.